



**CITY COUNCIL
MEETING MINUTES**

October 5, 2009 7:30 PM

I. CALL TO ORDER

A. Flag Salute

Mayor Peter B. Lewis called the meeting to order at 7:30 p.m. and led those in attendance in the Pledge of Allegiance.

B. Roll Call

Mayor Lewis and the following Councilmembers were present: Rich Wagner, Sue Singer, Gene Cerino, Bill Peloza, Lynn Norman and Virginia Haugen. Councilmember Nancy Backus was excused.

Staff members present included: City Attorney Daniel B. Heid, Planning, Building and Community Director Cindy Baker, Parks, Arts and Recreation Director Daryl Faber, Deputy Police Chief Bob Lee, Public Works Director Dennis Dowdy, Risk Manager Rob Roscoe, Information Services Director Lorrie Rempher, Finance Director Shelley Coleman, Assistant Planning Director Kevin Snyder, Senior Planner Karen Scharer, and Deputy City Clerk Cathy Richardson.

C. Announcements and Appointments

1. Announcements

a) Puget Sound Blood Center Community Service Award

Mayor Lewis recognized Deputy City Clerk Cathy Richardson who was presented a Community Service Award by the Puget Sound Blood Center

The award recognized Ms. Richardson's support of the Puget Sound Blood Center through coordination of community blood drives at Auburn City Hall throughout the year. Over the last ten years, City Hall

blood drives have resulted in the registration of 2,138 donors having the potential to benefit up to 6,414 patients in the Puget Sound region.

Mayor Lewis commended Ms. Richardson for her for her work related to the City Hall blood drives.

2. Appointments

There was no appointment for Council consideration.

D. Agenda Modifications

Agenda modifications included a revised Ordinance No. 6267 distributed prior to the council meeting and the addition of Resolution No. 4536.

II. CITIZEN INPUT, PUBLIC HEARINGS & CORRESPONDENCE

A. Public Hearings

1. Mid-biennial Review and Modification of the 2009-2010 Biennial Budget

F3.22

City Council conduct a public hearing to receive public comments and suggestions with regard to the proposed modifications to the 2009-2010 Biennial Budget, including revenue estimates and possible increases in property taxes.

Finance Director Coleman displayed a power point presentation and reviewed estimated and revised assessed valuations. Estimations made in 2008 were based upon twenty years of assessed value history. The City of Auburn estimates were based on a conservative assumption of an increase in assessed valuations by King and Pierce counties of approximately 5% per annum. Preliminary values reported by King and Pierce counties indicated a combined decrease in assessed values of approximately 10.38% as of September 22, 2009.

Director Coleman reviewed the property tax law which limits property tax growth to the lesser of 101% or 100% plus inflation. Inflation is defined as the percentage change in the implicit price deflator (IPD) for personal consumption. The IPD that is utilized for the calculation is from July, which was -0.848%.

Director Coleman reported that there are some contract increases in place for 2010 and reviewed wage increases provided under the current union contracts. Director Coleman also noted across the board medical increases to plan providers of approximately 12% - 15% overall.

Director Coleman reviewed 2010 property, sales and other tax revenues and other revenues generated by such things as permits, fines, fees, and investment returns. Director Coleman noted a decline in estimated photo enforcement revenues which is due to delays related to installation of the cameras and more educated drivers since the cameras have been in place. Director Coleman also reviewed the city's banked capacity.

At 7:47, Mayor Lewis opened the public hearing.

Marylyn Pederson, 1917 N Court SE, Auburn

Ms. Pederson spoke in opposition to any increases in taxes and inquired regarding noticing processes.

Mayor Lewis stated that the public hearings are noticed in accordance with state law and clarified the wording used related to the mid-biennial review and modification of the 2009-2010 Biennial Budget.

James Caswell, 2815 O Street SE, Auburn

Mr. Caswell spoke regarding the downturn in the economy and impacts on the construction industry. Mr. Caswell inquired as to why the city is operating on a 5% assumption of growth and how that number was determined. He also inquired regarding how the city intends to operate on a \$6 million deficit.

Mayor Lewis stated that cities must balance their budgets and do not operation on deficit budgets. The 5% assumption of growth figure referred to by Mr. Caswell was a figure from some years ago. This is the first presentation related to the 2009-2010 budget amendments, which staff is beginning to work on now. New information from both King and Pierce counties is still forthcoming.

No one else in the audience requested to speak.

At 7:53, Mayor Lewis closed the public hearing.

B. Audience Participation

This is the place on the agenda where the public is invited to speak to the City Council on any issue. Those wishing to speak are reminded to sign in on the form provided.

Jim Robsen, 33620 55th Avenue South, Auburn

Mr. Robsen distributed a packet of information dated October 5, 2009 and spoke regarding drainage issues on his property which he believes were not met by the developer. Mr. Robsen reviewed the handout and stated that everything that has been proposed to date will not correct the drainage issue on his property. Mr. Robsen requested to meet with staff to discuss and find a remedy to the slope and drainage issues.

C. Correspondence

There was no correspondence for Council review.

III. COUNCIL COMMITTEE REPORTS

A3.7.6

A. Municipal Services

Chair Cerino reported that the Municipal Services Committee met on September 28, 2009 at 4:00 p.m. The Committee discussed and recommends approval of Ordinance No. 6267 for a pilot program for residential parking and Resolution No. 4533 for surplus of Auburn Police Canine Gunner to his handler. The Committee also discussed Resolution No. 4532 and the Municipal Services Committee matrix, including crime deterred photo enforcement to discourage graffiti and other crimes such as burglary, King County's plans to end funding for animal control on June 30, 2010 and related problems, and the South Correctional Entity (SCORE) jail facility. The next regular meeting of the Municipal Services Committee is scheduled for October 12, 2009 at 4:00 p.m.

B. Planning & Community Development

Chair Norman reported that the Planning and Community Development Committee met on September 28, 2009 at 5:00 p.m. The Committee received an update from Roger Thordarson, Chair of the City of Auburn Transportation, Transit and Trails (TTT) Committee. Chair Norman took the opportunity to invite parties interested in serving on this committee to contact Mayor Lewis' office. Chair Norman reported on the successes of the TTT Committee and stated that Mr. Thordarson has been instrumental in assuring that the City of Auburn received the least amount of reductions in the cutbacks to service by Metro Transit. The

Committee also received the Community Services annual update including information on neighborhood meetings, strengthening ties in neighborhoods, multicultural round tables, and the community information guide. Chair Norman also reported on the collaboration with the Auburn School District with regards to formation of a Gang Prevention Task Force and the South King County Latino Family Health and Safety Fair. The Committee also discussed Ordinance No. 6264 related to low flying aircraft and the Surface Water Management Manual and requirements of the National Pollutant Discharge Elimination System (NPDES) permit. The Committee discussed and recommends approval of Ordinance No. 6268 related to Temporary Use Permits and Ordinance No. 6269 related to Administrative and Conditional Use Permits. The next regular meeting of the Planning and Community Development Committee is scheduled for October 12, 2009 at 5:00 p.m.

C. Public Works

Chair Wagner reported that the Public Works Committee met this afternoon at 3:00. The Committee approved Right of Way Use Permits for the upcoming Santa Parade and the continued monitoring of potential pollutants on 3rd Street near the post office. The Committee also discussed and recommends approval of contract administration items. The Committee discussed initiating a project for guardrails on Kersey Way and determined that, in light of budgetary issues, the project will have to be put on hold. The Committee also discussed Resolution No. 4534, Ordinance No. 6268 regarding Temporary Uses, Ordinance No. 6269 regarding Land Use, Ordinance No. 6267, the Transportation Improvement Plan, and capital projects status. The next regular meeting of the Public Works Committee is scheduled for October 19, 2009 at 3:00 p.m.

D. Finance

Vice Chair Peloza reported that the Finance Committee met this evening at 6:30. The Committee discussed and recommends approval of claims and payroll vouchers, Resolution No. 4529 regarding surplus property, Resolution No. 4532 regarding a lease extension, Resolution No. 4534 regarding opposition to Initiative 1033, and Resolution No. 4536 regarding acceptance of grant funds. The Committee also discussed Ordinance No. 6268 and Ordinance No. 6269. The next regular meeting of the Finance Committee is scheduled for October 16, 2009 at 6:30 p.m.

E. Community Center

Chair Wagner reported that there was no meeting of the Community Center Committee and none have been scheduled at this time.

F. Downtown Redevelopment

Deputy Mayor Singer reported that the Downtown Redevelopment Committee met on September 22, 2009 at 4:00 p.m. The Committee discussed Downtown Urban Center Standards and monument and internally lit signage design standards. The Committee also discussed possible expansion of the City Hall plaza project in conjunction with the promenade project. The next regular meeting of the Downtown Redevelopment Committee is scheduled for October 13, 2009 at 4:00 p.m.

IV. REPORTS

At this time the Mayor and City Council may report on significant items associated with their appointed positions on state, regional and local organizations.

A. From the Council

Deputy Mayor Singer reported that she attended the Puget Sound Regional Council (PSRC) meeting to select the preferred alternative for the Transportation 2040 Update, a regional transportation plan. Five alternatives were presented. The PSRC also received a report on the swine flu and what to expect in the region. Deputy Mayor Singer also attended the Walk the Talk Artist Panel and 25th year celebration of the Arts Commission. She attended a meeting of the New Energy Solutions Group and the PSRC group that is working on obtaining stimulus funds and possible grants. She and Councilmember Wagner toured the William Factory Incubator, attended the Auburn International Farmers Market Volunteer Appreciation luncheon, and met with the Center for Urban Waters in Tacoma to discuss the Auburn Scientific Center for Emerging New Technologies (ASCENT). She also attended the Domestic Violence Awareness ceremony and noted the purple lights around City Hall. The purpose of the purple lights is to bring awareness to the public regarding domestic violence in the community and a reminder that it is not tolerated in Auburn. Deputy Mayor Singer thanked the Soroptimist International of Auburn and Kiwanis of Auburn for their participation and support regarding Domestic Violence Awareness. She also attended the Valley Cities Counseling and Consultation fundraising luncheon.

Mayor Lewis commended Deputy Mayor Singer and Councilmember Norman for their work on domestic violence education and their work with the Soroptimist International of Auburn establishing Washington Women's Employment and Education (WWEE) in support of Auburn women.

Councilmember Wagner reported that he attended the Puyallup River Watershed Council at which Pierce County representatives spoke regarding a proposal to apply transferred development rights to the preservation of sensitive areas. Under that proposal, developers of high density projects would be required to obtain a transfer of development rights from someone owning sensitive land.

Councilmember Norman reported on the progress of the barrier free playground. The Auburn schools are showing great support for the project, including donations made by school children. The barrier free park will provide a playground for children of all abilities in a playground which is also accessible for adults with limited mobility.

Councilmember Pelosa reported that he attended the King County Water Pollution Advisory Committee meeting. The Committee discussed Howard Hanson Dam and the King County Wastewater Treatment Division protection plan for the treatment plant which serves the Green River valley. The goal is to remain open during a flood event and to prevent power outages to sub-stations below the river. He also attended the Agriculture Commission Sub-committee meeting to discuss drainage issues for farmers in the area south of 277th Street. Drainage ditches and road culverts are blocked as King County has not maintained culverts and ditches, which they are now attempting to clean out. Councilmember Pelosa also chaired the Water Resource Inventory Area (WRIA 9) Watershed Ecosystem Forum at which a panel of experts spoke regarding Howard Hanson Dam. He also attended the Sister City International meeting with representatives from the City of Kent regarding our joint sister city, Tamba, Japan. The committee is currently working on establishing sister cities in South Korea and Italy. Councilmember Pelosa reported on the last event of the 2009 season for the Auburn International Farmers Market (AIFM). The first season of the AIFM was very successful.

B. From the Mayor

Mayor Lewis reported that Council will receive a full presentation regarding the Green River flooding, community outreach and coordination efforts at the October 19, 2009 City Council meeting from Emergency Preparedness Manager Sarah Miller. Mayor Lewis shared the following facts:

- To date, twenty public information meetings have been conducted with more than 6,200 attendees
- Two additional general flood preparedness meetings are scheduled at the Auburn Performing Arts Center in October with numerous smaller meetings scheduled throughout town
- Three specific meetings are scheduled for various volunteer groups in the City, including CERT members, ham radio operators and nonprofit and faith based organizations
- King County has held four flood information meetings in Auburn with more than 1,500 attendees. Two of those meetings focused specifically on agricultural issues
- Volunteers went door-to-door to every home and business in the impact area in January and February 2009
- Volunteers from the Red Cross, in conjunction with our volunteers, canvassed additional neighborhoods in September 2009
- Volunteers made personal phone contact with every licensed business in the identified hazard area in September 2009
- The City has created several versions of our flood impact map , with the most recent map, which was distributed beginning on September 21, 2009 and included storm and sewer impacts
- Information on flood impacts and flood preparedness has been included on the City website and, to date, there have been more than 27,000 unique views by the public
- A frequently asked questions page has been created on the website to address recurring topics
- City staff have attended more than 100 planning and coordination meetings with other cities, King and Pierce counties, the Army Corps of Engineers, the State of Washington, and our federal representatives

Mayor Lewis stressed that information received by the City of Auburn is made public as soon as it is received by staff. Mayor Lewis invited the public to attend the upcoming City Council meeting for a Power Point presentation on the Green River flooding issues.

V. CONSENT AGENDA

All matters listed on the Consent Agenda are considered by the City Council to be routine and will be enacted by one motion in the form listed.

A. Minutes

- 1. Minutes of the September 21, 2009 regular City Council meeting.**

B. Vouchers

F4.9.2, F4.9.5

- 1. Claims**

Claims check numbers 388977 through 389304 in the amount of \$910,919.75 and dated October 5, 2009.

- 2. Payroll**

Payroll check numbers 527358 to 527443 in the amount of \$307,819.95 and electronic deposit transmissions in the amount of \$1,182,201.92 for a grand total of \$1,490,021.87 for the pay period covering September 17, 2009 to September 30, 2009.

C. Contract Administration

- 1. Consultant Agreement Number AG-C-371**

A3.16.7

City Council grant permission to enter into Amendment #1 to Consultant Agreement No. AG-C-371 with Landau Associates for engineering design services.

- 2. Public Works Project Number CP0762**

O4.9.1 CP0762

City Council approve Change Order No. 3 in the amount of \$77,790.53 plus WA state sales tax of \$6,845.57 for a total change order price of \$84,636.10 to Contract 09-01 with R. L. Alia Company for project CP0762, Les Gove Neighborhood Improvement Project – Phase 1

- 3. Consultant Agreement Number AG-C-301**

O3.4.1.13

City Council grant permission to enter into amendment No. 1 for Consultant Agreement No. AG-C-301 with Brown and Caldwell for Engineering Services related to Project No. CP0758, the Comprehensive Sewer Plan Update.

4. Consultant Agreement Number AG-C-376

A3.16.9, O4.8.3 CP0915

City Council grant permission to enter into Consultant Agreement No. AG-C-376 with Golder Associates Inc. for Engineering Services for Project No. CP0915, Well 1 Improvements.

Deputy Mayor Singer moved and Councilmember Wagner seconded to approve the consent agenda.

Councilmember Haugen expressed opposition to Consultant Agreement No. AG-C-371 and indicated that she will vote no on approval of the consent agenda.

Deputy Mayor Singer noted that items may be removed from the consent agenda to be considered separately.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

VI. UNFINISHED BUSINESS

There was no unfinished business.

VII. NEW BUSINESS

There was no new business.

VIII. ORDINANCES AND RESOLUTIONS

A. Ordinances

1. Ordinance No. 6267

O1.2

An Ordinance of the City Council of the City of Auburn, Washington, creating Chapter 10.41 of the Auburn City Code relating to parking, establishing residential parking zones, creating a pilot program, and establishing penalties for violations

Councilmember Cerino moved and Councilmember Peloza seconded to introduce and adopt Ordinance No. 6267.

MOTION CARRIED UNANIMOUSLY. 7-0.

2. Ordinance No. 6268

O3.4.2.1.2

An Ordinance of the City Council of the City of Auburn, Washington, repealing Chapter 18.46, Temporary Uses, of the Auburn City Code, adopting a new Chapter 18.46A, Temporary Uses, of the Auburn City Code, and amending the City of Auburn Fee Schedule; all relating to temporary uses

Councilmember Norman moved and Deputy Mayor Singer seconded to introduce and adopt Ordinance No. 6268.

MOTION CARRIED UNANIMOUSLY. 7-0.

3. Ordinance No. 6269

O3.4.2.1.2

An Ordinance of the City Council of the City of Auburn, Washington, amending Sections 18.02.120, 18.04.752, 18.07.020, 18.09.020, 18.22.020, 18.22.030, 18.24.030, 18.26.020, 18.26.030, 18.28.020, 18.28.030, 18.29.055, 18.30.030, 18.32.020, 18.32.040, 18.33.030, 18.33.050, 18.34.040, 18.44.030, 18.50.050, 18.54.060, Chapter 18.64 of the Auburn City Code, and Sections 18.70.010, 18.70.020, 18.76.040, 18.78.020 of the Auburn City Code, and creating new Sections 18.04.025, 18.22.025, 18.24.025, 18.26.025, 18.28.025, 18.29.053; 18.30.025, 18.32.030, 18.34.030, 18.44.025, and 18.76.045; all relating to land use permits

Councilmember Norman moved and Councilmember Wagner seconded to introduce and adopt Ordinance No. 6269.

MOTION CARRIED UNANIMOUSLY. 7-0.

4. Ordinance No. 6270

O3.5 PLT09-0005

An Ordinance of the City Council of the City of Auburn, Washington, approving the final plat of The Ridge At Bowman Creek

City Attorney Heid noted that Ordinance No. 6270 and Ordinance No. 6271 are final plat approvals of preliminary

plats which have already gone through the preliminary plat process. As such, the City Council role at this juncture is what the law deems a ministerial function in that, if the conditions of the preliminary plat have been met, the City Council would have no discretion other than to approve the final plat. No new conditions may be added for either item. City Attorney Heid read the title to Ordinance No. 6270.

Councilmember Norman moved and Councilmember Wagner seconded to introduce and adopt Ordinance No. 6270.

Councilmember Wagner commented that he previously opposed the preliminary plat for this development and opposes the final plat now, although he understands the legalities involved. He believes it is not the kind of high density development with minimal street development and on steep slopes that is advantages to the city.

Councilmember Haugen concurred with statements made by Councilmember Wagner.

In response to question by Councilmember Pelosa related to street lights and power lines, Director Dowdy stated that determination regarding street lights typically follows plat approval.

Senior Planner Scharer stated that the BPA power lines run through the adjoining proposed final plat to be considered under Ordinance No. 6271. The proposed final plat under Ordinance No. 6270 abuts the BPA power lines, which are set back approximately 100 feet from the boundary line of the proposed plat.

MOTION CARRIED UNANIMOUSLY. 7-0.

5. Ordinance No. 6271

O3.5 PLT09-0006

An Ordinance of the City Council of the City of Auburn, Washington, approving the final plat of Kersey 3 Division 1A

Councilmember Norman moved and Councilmember Wagner seconded to introduce and adopt Ordinance No. 6271.

Councilmember Wagner commented that his previous statements regarding Ordinance No. 6270 apply to Ordinance No. 6271 as well.

MOTION CARRIED UNANIMOUSLY. 7-0.

B. Resolutions

1. Resolution No. 4529

F4.6.1

A Resolution of the City Council of the City of Auburn, Washington, declaring certain items of property as surplus and authorizing their disposal

Councilmember Pelozo moved and Councilmember Norman seconded to adopt Resolution No. 4529.

In response to questions by Councilmember Haugen, Director Rempher stated that the obsolete radio equipment for the community radio station 1610 has been replaced with newer equipment.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

2. Resolution No. 4532

A3.17

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor and City Clerk to execute an extension of the lease of property to King County Department of Public Health for the King County Paramedic Program

Councilmember Pelozo moved and Councilmember Norman seconded to adopt Resolution No. 4532.

MOTION CARRIED UNANIMOUSLY. 7-0.

3. Resolution No. 4533

F4.6.1

A Resolution of the City Council of the City of Auburn, Washington, authorizing the conversion to, and sale of

Auburn Police Canine Gunner as surplus property of the City of Auburn

Councilmember Cerino moved and Councilmember Peloza seconded to adopt Resolution No. 4533.

MOTION CARRIED UNANIMOUSLY. 7-0.

4. Resolution No. 4534

A3.4

A Resolution of the City Council of the City of Auburn, Washington, stating the City Council's opposition to Initiative 1033 on the November 3, 2009, General Election ballot

**INITIATIVE MEASURE NO. 1033 CONCERNS STATE, COUNTY AND
CITY REVENUE.**

THIS MEASURE WOULD LIMIT GROWTH OF CERTAIN STATE, COUNTY AND CITY REVENUE TO ANNUAL INFLATION AND POPULATION GROWTH, NOT INCLUDING VOTER-APPROVED REVENUE INCREASES. REVENUE COLLECTED ABOVE THE LIMIT WOULD REDUCE PROPERTY TAX LEVIES.

At 8:45, Mayor Lewis invited comment from the audience.

James Caswell, 2815 O Street SE, Auburn
Mr. Caswell spoke in favor of I-1033.

No one else in the audience requested to speak.

Councilmember Peloza moved and Councilmember Norman seconded to adopt Resolution No. 4534.

Councilmember Haugen spoke in opposition to Resolution No. 4534 as she does not believe it is appropriate for Councilmembers to endorse or oppose initiatives going before the voters.

Deputy Mayor Singer stated that it is Council's right to express an opinion and she believes it is important for voters to hear the perspective of those elected to serve them. Deputy Mayor Singer spoke regarding current budget deficits and impacts to cities in Washington State should I-1033 be approved. Her main opposition to I-1033 is that it

will limit the growth of revenue received from taxes on a recessionary baseline. Deputy Mayor Singer expressed concerns regarding unintentional consequences of I-1033 and social services that would have to be cut in the event I-1033 is approved.

Councilmember Cerino spoke in favor of Resolution No. 4534. He believes that it is the purpose of elected officials to voice opinions for the benefit of the electorate.

Councilmember Wagner concurred with statements made by Deputy Mayor Singer. He believes that I-1033 will set a base rate that is an anomaly in the last 50 years of history of Auburn. The basic idea of I-1033 has some merit, but not on the premise of the 2009 budget. Councilmember Wagner believes that I-1033 will be disastrous and will result in mass layoffs for governmental entities.

Councilmember Pelloza spoke in favor of Resolution No. 4535.

MOTION CARRIED. 6-1. Councilmember Haugen voted no.

Mayor Lewis spoke regarding what he believes would be dire consequences to the cities in the State of Washington in the event I-1033 is approved.

5. Resolution No. 4536

F5.4

A Resolution of the City Council of the City of Auburn, Washington, authorizing the Mayor to accept grant funds from the U.S. Environmental Protection Agency

Councilmember Pelloza moved and Councilmember Norman seconded to adopt Resolution No. 4536.

MOTION CARRIED UNANIMOUSLY. 7-0.

IX. ADJOURNMENT

There being no further business to come before the Council, the meeting adjourned at 8:56 p.m.

APPROVED THE _____ DAY OF OCTOBER 2009.

Peter B. Lewis, Mayor

Cathy Richardson, Deputy City Clerk

City Council agendas and minutes are available to the public at the City Clerk's Office, on the City website, and via e-mail. Complete agenda packets are available for review at the City Clerk's Office and at the Library.

Internet: <http://www.auburnwa.gov>